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5 UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

6 UNITED STATES OF AMERICA, )  
7 )

8 Plaintiff, )

9 v. )

10 ANTHONY CURCIO )

11 Defendant. )

No. 24-CR-312

REPLY MEMORANDUM IN SUPPORT OF  
MOTION FOR HEARING PURSUANT TO  
*FRANKS V. DELAWARE*

[CLERK'S ACTION REQUIRED]

12  
13 Comes now the defendant, Anthony Curcio, through counsel, and submits this Reply  
14 Memorandum in support of his motion asking this court for an order setting a hearing pursuant  
15 to *Franks v. Delaware*, 438 U.S. 154, 98 S.Ct. 2674, 57 L.Ed.2d 667 (1978).  
16

17 **I. SUPPLEMENTAL DECLARATION**

18 Attached as Appendix A to this reply is a supplemental declaration of counsel. This  
19 declaration addresses false or misleading statements included in the search warrant affidavit  
20 submitted by Special Agent (SA) Christopher Campbell in support of his application to search  
21 Mr. Curcio's residence in May of 2024.  
22

23 The Government is aware of most if not all the information in the supplemental  
24 declaration, as it is drawn from discovery they have provided. The declaration addresses SA  
25

1 Campbell's false and misleading statement regarding events at a card show in New Jersey in  
2 April of 2024, as well as SA Campbell's knowledge that numerous trading cards that are  
3 described as being "fraudulent" in his affidavit are cards that PSA – the "reputable card  
4 authentication company" – had previously authenticated, only to un-authenticate them after  
5 learning that Mr. Curcio was the individual selling the cards. It also addresses SA Campbell's  
6 knowledge that items purportedly ordered and delivered to Mr. Curcio's residence were not  
7 capable of creating forged card cases and labels, contrary to his assertion in the affidavit.

8  
9 **II. THE GOVERNMENT RESPONSE PERPETUATES THE FALSE  
NARRATIVE OF SA CAMPBELL'S AFFIDAVIT.**

10 The Government's response to the motion for a *Franks* hearing characterizes the defense  
11 argument as being based upon "superficial and illogical theories" and "unsupported conclusory  
12 allegations." What the defense motion presented was evidence that SA Campbell's search  
13 warrant affidavit omitted material information about the interests and credibility of the sources  
14 the FBI was relying upon in their investigation, and the way interested parties were permitted  
15 to steer an investigation to target Mr. Curcio. Though the Government uses harsh language in  
16 attacking the defense motion, their response is devoid of any substantive answer to why SA  
17 Campbell failed to disclose to the magistrate the roles and motivations of the sources upon  
18 which he relied.  
19

20 This is important to an evaluation of whether the defense has established the need for a  
21 *Franks* hearing, but that is just the legal consequence at stake. Mr. Curcio's life has been  
22 destroyed by the charges in this case, and the omissions from the search warrant affidavit are  
23 only one manifestation of how a false accusation against an individual can be bolstered and  
24  
25

1 pushed ahead when individuals and entities with ulterior motives are permitted to substitute  
2 their “investigation” for that of an independent law enforcement agency.

3 **A. The Government Knows SA Campbell’s Affidavit Was Parroting PSA’s**  
4 **Claims Against Someone Accusing PSA of Wrongdoing.**

5 The Government cannot deny that PSA is the “card authentication company” referenced  
6 in SA Campbell’s affidavit – because they know it is true. They cannot deny that PSA was  
7 acting in concert with other individuals to improperly retain Mr. Curcio’s property prior to the  
8 application for a search warrant – because they know it is true. The Government also knows  
9 that PSA delivered a PowerPoint presentation to the FBI to gain the assistance of the agency in  
10 targeting Mr. Curcio.

11 The Government knows that PSA destroyed evidence by altering the case holders for  
12 items that company improperly retained that belonged to Mr. Curcio – both harming the value  
13 of that property and preventing the evaluation of claims made about the condition of those  
14 items. And the Government knows that throughout the investigation in this case PSA and others  
15 who were engaged in ongoing litigation with Mr. Curcio – and being accused by him of  
16 wrongdoing – were acting as informants and de facto agents of the Government. These are all  
17 material facts that would have been critical for the magistrate evaluating the application for a  
18 search warrant to know.  
19

20  
21 **B. The Affidavit Inaccurately Portrays Curcio As a Fraudster**

22 There is a fundamental and deliberate misrepresentation at the heart of Agent  
23 Campbell’s affidavit. Campbell’s affidavit misleadingly implies that Anthony Curcio sold  
24 counterfeit cards to unsuspecting buyers, who later discovered they were victims of fraud.  
25 This narrative is false. Nearly every transaction was first verified and authenticated by PSA,

1 the very company at the center of these allegations, before any sale commenced. Critically,  
2 what PSA authenticated was not merely third-party cards but their own proprietary products:  
3 their labels, certifications, and sealed cases. PSA should have been the best source available to  
4 confirm the authenticity of its own labels and encapsulated cases, making their role uniquely  
5 authoritative. Yet Campbell's affidavit obscured PSA's central involvement and verification  
6 prior to sales, fundamentally distorting the context in which these transactions occurred and  
7 falsely portraying Curcio as defrauding buyers.

8 The Government's response to this motion, rather than addressing the merits of  
9 Campbell's omissions, simply dismisses these concerns outright, stating: "Curcio's  
10 speculative and far-fetched claims provide no basis for a Franks hearing." (Gov't Resp. at 2).  
11 Yet none of these claims are far-fetched or speculative; indeed, the facts Agent Campbell  
12 deliberately concealed are explicitly documented by the prosecution's own evidentiary  
13 production. The government is fully aware of these contradictions but chose to ignore them.

#### 14 ***1. MySlabs/PSA dispute***

15  
16 The first alleged "fraudulent transaction" referenced by SA Campbell in his affidavit  
17 involved a Michael Jordan trading card sold by Curcio on the MySlabs platform. After a  
18 competing card owner raised questions about authenticity due to dissatisfaction over the sale  
19 price, PSA abruptly "deactivated" the card's certification number before Curcio had an  
20 opportunity to submit it for inspection, effectively voiding their own authenticity guarantee.  
21 Curcio privately expressed frustration to MySlabs CEO Matt Greaney, suggesting he might  
22 publicly expose PSA's flawed guarantees and questionable practices. This information was  
23 shared with SA Campbell by Greaney.

1                   **2. PSA fabricates evidence (eBay images, standards)**

2                   When PSA decided to reverse the authenticity of Curcio's previously authenticated  
3 and graded cards, they faced a significant obstacle: PSA had maintained no records from  
4 when they graded the cards. In an interview, PSA CEO Nat Turner stated "Pre 2020-2021 we  
5 (PSA) weren't even taking pictures of cards before or after grading." They possessed no  
6 internal photographs of the card, no documentation of label or case combinations, no quality-  
7 control standards or recorded variances from the time the cards were initially authenticated.  
8 Instead of acknowledging this critical gap, PSA's Brand Protection team, utilizing their  
9 partnership with eBay, manufactured documentation which cannot be relied on. Ebay's  
10 database of past auctions- which included only user provided photos, not cards physically  
11 examined by PSA, became what was determined by PSA to be "REAL."

12                   USAO\_000014749

13                   Oftentimes, these images PSA relied upon to determine authenticity were taken on  
14 kitchen countertops of the unknown eBay user that had provided them from a decade prior, or  
15 such poor quality they couldn't determine if a PSA proprietary logo was on the case which  
16 encapsulated the card in question. Regardless, PSA labelled Curcio's cards "FAKE." This  
17 PowerPoint presentation PSA gave to SA Campbell on Dec. 5, 2022 via zoom was also  
18 provided to the agent to use as a reference guide throughout the 'investigation.'  
19 In this document, the company invented entirely new criteria, such as spacing, kerning, and  
20 label formatting, standards which were not part of PSA's standard authentication process.

21                   **3. Curcio Submits Cards in Good Faith; PSA Responds w/Silence & Property**  
22                   **Destruction**

23                   In the wake of the MySlabs dispute, Anthony Curcio proactively submitted several of  
24 his PSA-graded cards for reholding, hoping to avoid future embarrassment from  
25

1 authenticity disputes. At the time, he had no idea PSA was accusing him of counterfeiting.  
2 PSA accepted the cards, logged them into their system, and advanced them through their  
3 standard grading workflow. Internal records confirm the cards were authenticated by multiple  
4 PSA graders, passed “Research and ID,” and entered “Assembly”—the final step before re-  
5 encapsulation and return.

Curcio Media Inc

Unlock the benefits of Collectors Vault - the Official Vault of PSA

ORDER 22890418 / SUBMISSION 11037583

PSA labels are being printed, and each eligible item is being securely sealed within a PSA holder.

Please note: There is no set processing time for each step tracked in the status bar. Please don't be alarmed if your order remains at a particular step for an extended period. It is due to the current volume of submissions PSA is receiving and processing.

SHIPPING ADDRESS

Ship To Vault

Send Back To Me

Curcio Media Inc  
1000 15th Ave NE, Apartment, WA 98102

Send To Vault

Free Shipping

Ext. Shipping: \$50.00

TOTAL ITEMS: 1

DATE RECEIVED: 10/10/2022

DATE SHIPPED: N/A

Order Payment

Payment Method: Amex ending in 1005

Expiration Date: 10/24

PSA Description Review

The "Review Order" step is an error reporting system for item identification errors (examples, wrong price). Please review the description of each of your items. If you believe there is an identification error, click on the Report Error link. If the item identification is accurate, you do not need to do anything.

The order of your items may not match the exact order you listed them in on your submission form. Please make sure to review your order details and descriptions of each item to make sure they are all accounted for.

Line #	Item #	Card #	Description	Status	Type
1	1	08080712	1986 FLEER ST MICHAEL JORDAN	Report Error	Card

Submission Date: 10/7/2022

Customer # 2580519

Package Information (Customer Must Provide)

Order # 11037583

Card No. 22890418

Card Date: 10/10/2022

Payment Type: Amex

Barcode: 11037583

PSA USE ONLY

Order # 11037583

Card # 11037583

Date Received: 10/10/2022

Signature: [Signature]

PSA's report to the FBI had modified dates

RETURN SHIPPING DETAILS

Curcio Media Inc  
11112 13th Ave NE  
Redmond, WA 98052  
206-455-4022  
ACB@CURCIOMEDIA.COM

Return Card: Insured Shipping

SUBMISSION SUMMARY - 11037583

Order Details

Item Type: Regular Cards

Submission Type: Regular

Service Level: Regular

Return: \$500.00

Payment Details

Service Level Fee: \$250.00

Insured Shipping: \$171.00

Estimated Total Charges: \$821.00

Payment Method: Credit Card

Card Type: American Express

Name on Card: CURCIO MEDIA INC

Card Number: XXXXXXXXXX000000000000

Grand Total Declared Value: \$168,000.00

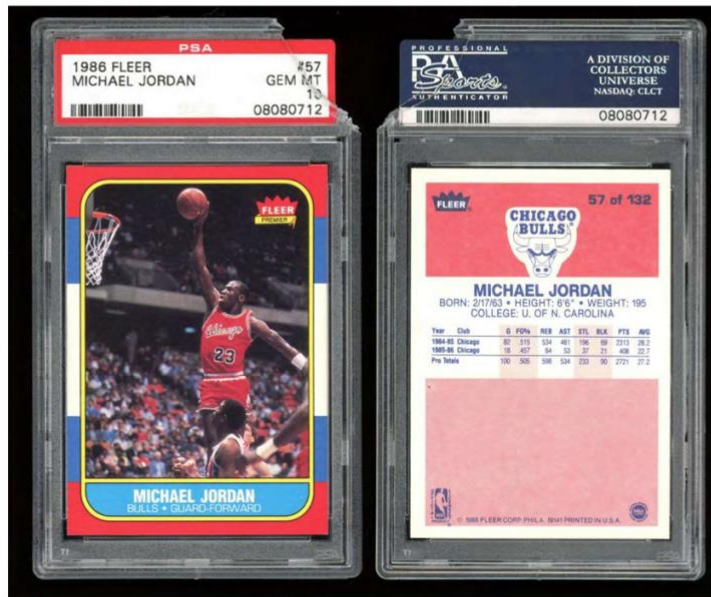
Despite having all of Anthony's contact information, address, email, and phone number, he is never notified about any concerns with the card's authenticity.

17 PSA halted the card's processing prior to shipping the authenticated cards back to Anthony.  
18 PSA kept the cards, and despite inquiries after the unexpected delay, chose not to response to  
19 Curcio about of any concerns, a stark contrast to Campbell's affidavit that Anthony was put  
20 on notice.

21  
22 The motivation behind PSA's behavior - to hold on to a customers property, then not  
23 respond- had been unclear prior to discovering a PSA admission to Campbell: PSA had  
24 accidentally "cracked the corner" and damaged one of Curcio's most valuable cards.



Cert #26021609



2015-style label with  
2017-style holder

Holder does not  
exhibit signs of  
tampering. It could  
be an “un-boomed”  
holder that made its  
way on to the market.

Holder is sonically  
welded.

CONFIDENTIAL

20

USAO\_000015056

In another admission to Agent Campbell, PSA acknowledged that Curcio had an active and escalating dispute with the company at the time they initiated contact with the FBI. PSA also shared with SA Campbell that Curcio wasn’t just threatening legal action—he was openly critical of PSA’s practices and had begun referencing their so-called “security features” and “guarantees” in communications, raising a serious reputational threat for the company. In a revealing moment, the PSA employee asked Campbell, “*Curcio is requesting we return his items. What can/should we do in this situation?*”—a question that laid bare both the impropriety of their position and their intent to avoid legal scrutiny. Instead of directing PSA

1 to legal counsel, Campbell inserted himself into the decision-making process, and PSA  
2 ultimately decided to withhold Curcio's authenticated property without a subpoena, seizure  
3 order, or any other lawful basis.

4  
5 From: [REDACTED]@collectors.com>  
6 Sent: Friday, December 9, 2022 1:37:20 PM  
7 To: [REDACTED] (NY) (FBI) [REDACTED]@fbi.gov>  
8 Cc: [REDACTED]@collectors.com>  
9 Subject: Re: [EXTERNAL EMAIL] - Counterfeit and Tampered PSA Cards

10 Hi Chris and Rigel,

11 Our Customer Service Team was reached out to by Curcio about a month ago. In his email to us, he expresses  
12 his frustration that his Reholder submissions we currently have are not moving and threatens to take legal  
13 action/ call us out publicly. Interestingly, he references our security features again in this email: "The  
14 ridiculous security features, lighthouse technology, micro printed fugitive ink or 'special plastic slabs". Curcio is  
15 requesting we return his items. What can/should we do in this situation?"

16 Kind regards,

17  
18 Instead of addressing its dispute with Curcio through proper legal channels, like they  
19 did with others, PSA decided to feed the FBI criminal allegations, while also asking the agent  
20 tasked with the criminal "investigation" on how to handle Curcio's repeated requests for the  
21 return of his property. This was not a good-faith inquiry. PSA's decision to bypass internal  
22 and external legal avenues and go directly to the FBI agent investigating their target reveals  
23 exactly what this was: not a victim seeking justice, but a powerful corporation manipulating  
24 federal law enforcement to protect itself, and the reputation they felt Curcio now threatened. It  
25 was an attempt to silence a whistleblower.

Curcio attempted to contact the company dozens of times about his submissions he  
had expected back from PSA in a week, having paid for the grading companies fastest 3-day  
turnaround time service. It had been months, and Curcio filed complaints with the Federal



1 Trade Commission, the Better Business Bureau, and others. Curcio eventually retained at  
2 attorney who was licensed in both California and Washington to help with the matter. This  
3 same attorney assisted in Curcio's civil case against Captain Ticket. In which, Curcio was  
4 awarded a judgement against the PSA affiliate. Agent Campbell was aware of all of this,  
5 detailing the information in his memos.

6  
7 None of this was disclosed to the magistrate judge. SA Campbell concealed the  
8 ongoing civil dispute, the retaliatory motive, and his own entanglement with the source of the  
9 allegations. By presenting PSA as a neutral victim and omitting these material facts, Campbell  
10 misled the Court and deprived it of the information necessary to evaluate the credibility of the  
11 warrant application—exactly the type of constitutional violation *Franks v. Delaware* exists to  
12 prevent.

13  
14 **4. *PSA Altered and Destroyed Evidence.***

15 Approximately one month after seeking Agent Campbell's advice, PSA took a step  
16 that defies explanation. After retaining Curcio's cards for several months, PSA informed  
17 Campbell that they would be turning them over. But before doing so, they deliberately  
18 removed the cards from their plastic cases, irreparably compromising the physical integrity of  
19 the evidence and eliminating any chance for independent verification. Then PSA introduced  
20 an entirely new allegation: that one of the now-loose holders "matched" those linked to  
21 another individual under investigation, Jason Donnelly. This new claim was made nearly four  
22 months after PSA took possession of the cards Anthony sent for reholding.

1 **From:** Roxanne Ghezzi <[rghezzi@collectors.com](mailto:rghezzi@collectors.com)>

2 **Sent:** Monday, January 30, 2023 4:53:25 PM

3 **To:** Campbell, Christopher J. (NY) (FBI) <[cicampbell@fbi.gov](mailto:cicampbell@fbi.gov)>

4 **Cc:** Zeledon, Rigel <[rigel.zeledon@nypd.org](mailto:rigel.zeledon@nypd.org)>; Amanda Fryer <[fryera@collectors.com](mailto:fryera@collectors.com)>; Jackie Curiel <[curielj@collectors.com](mailto:curielj@collectors.com)>

5 **Subject:** Re: [EXTERNAL EMAIL] - Counterfeit and Tampered PSA Cards

6 Hi Chris and Rigel,

7 Happy New Year! I hope you've both been well. PWCC is reaching out to us regarding the counterfeit PSA graded cards that were sent to them by Anthony Curcio (Tony Jay), Jason Donley and Joe Bondarchuk. They want to know if you'll be reaching out to them soon and if they should return the items to the three individuals. According to them, they will need to send the items back soon to avoid more complaints.

8 I'll be shipping a few items to you both today. In the package will be two counterfeit PSA holders - one of which was purchased from Jason Donley's eBay account (movies\_n\_more777 - now changed to cardboardmoose after being publicly called out for counterfeiting), and the other holder was cracked open from one of Anthony Curcio's Reholder submissions. The counterfeit holders are identical to each other. Also in the package will be two real PSA holders, so that you can compare the counterfeits to them. We will also include a tampered label from one of Anthony Curcio's Reholder submissions and a real PSA label from that time-period to illustrate the different font/printing on the label. Curcio's labels have a pixelated font (as described in the brief I sent over to you) which would never occur on an authentic PSA label. Also in the brief, there is an image of this exact same label/cert

9 This claim served multiple functions: it gave the illusion of forensic credibility, distanced  
10 PSA from responsibility for mishandling the card, and shifted the narrative just enough to  
11 make their story plausible. But the “identical holders” mentioned as a correlation between  
12 Curcio and this other PSA labelled counterfeiter are unverifiable and meaningless. Having the  
13 original casing removed from the card after PSA dismantled it or “cracked it open” would  
14 make evaluating that very plastic case impossible.

15 This was not an isolated event—it was a pattern. PSA’s narrative changed to meet the  
16 needs of the moment, shifting explanations, timelines, and accusations, and SA Campbell was  
17 directly informed, yet allowed them to cover for their own misconduct. He then concealed  
18 PSA’s changing narrative from the Court. He did not disclose the destruction of evidence, the  
19 contradictory dates, or PSA’s lack of legal authority to retain, let alone destroy, Curcio’s  
20 property. He did not disclose how a corporation with a vested financial interest was allowed  
21 to manipulate and define the terms and entire direction of a federal fraud case.

1 Instead, he adopted a compromised and ever-changing narrative, crafted by a corporate  
2 accuser with everything to lose, and passed it off as fact.

### 3 ***5. Goldin Auctions: Solicitation, Misrepresentation, and Material Omission***

4 While PSA was researching Anthony and putting together a report to allege he was  
5 engaging in selling counterfeit cards, they simultaneously solicited his business at Goldin  
6 Auctions and auctioned several of Anthony's cards.

7 The troubling conduct of Goldin Auctions—along with PSA, both subsidiaries of  
8 Collectors Universe, the company that initiated this investigation with Agent Campbell—  
9 began long before any allegations of fraud. Goldin actively solicited Curcio, encouraging him  
10 to consign high-value cards for sale, in the months preceding their FBI complaint. PSA  
11 participated in authenticating the cards prior to auction, maintained physical possession, and  
12 allowed Goldin to complete the sales in November 2022—just days before reporting Curcio to  
13 the FBI. Even after privately accusing Curcio of fraud, Goldin continued soliciting him for his  
14 most valuable remaining cards, raising serious questions about their intentions and further  
15 underscoring the bad faith at the heart of their conduct.

16 The timing is no coincidence. PSA appears to have deliberately waited until the  
17 transactions were finalized—ensuring the cards were sold, the proceeds were under their  
18 control, and the narrative could be shaped entirely on their terms. Despite the successful  
19 sales, Goldin withheld Curcio's payment without explanation, offering only vague responses  
20 and ultimately issuing an unexplained partial payment. Curcio was never notified of any  
21 reversal, dispute, or allegation of fraud.

22 PSA portrayed Goldin as a victim to Agent Campbell, specifically asserting that  
23 Goldin had refunded \$35,000 to a buyer and had not been reimbursed. Yet at the time they  
24 made that claim, Goldin's own ledger showed a credit balance owed to Curcio that exceeded  
25

1 the amount of the alleged loss. More critically, the card at issue was never even shipped to the  
2 buyer. PSA itself confirmed to S.A. Campbell that it remained in their own vault. Still, at no  
3 point did Goldin inform Curcio of any dispute, reversal, or pending issue, in direct violation  
4 of their contractual obligations under the consignment agreement, which required accurate  
5 financial reporting, timely settlement, and clear communication regarding any such matters.  
6 Instead, they obscured their own records and fabricated a financial “loss” to bolster their  
7 claims against Curcio.

8 Goldin withheld payment. PSA held onto the cards. And Collectors began notifying  
9 buyers of supposed fraud—all while portraying themselves as victims. Their actions not only  
10 contradict their own certifications but amount to an implicit admission that if fraud occurred,  
11 it originated with them, not with Curcio. PSA must have understood this risk, because after  
12 retrieving a few of the cards from buyers, they physically removed them from their  
13 authenticated holders before turning them over to Agent Campbell—deliberately destroying  
14 the only evidence that could be used to evaluate the fraud claims they were making. That  
15 destruction ensured no neutral third party could ever verify the truth.

16  
17 ***6. PSA Dodged Curcio’s Efforts to Confront Their False Allegations, While  
Secretly Coordinating with Law Enforcement***

18 By the beginning of 2023, PSA’s refusal to engage while holding his valuable  
19 property left Curcio with no choice but to escalate his concerns through formal consumer  
20 protection channels—filing complaints with the Federal Trade Commission (FTC), the Better  
21 Business Bureau (BBB), and the Attorney General. Even then, PSA ignored these formal  
22 complaints, refusing to engage or provide any explanation for their actions. This directly  
23 contradicts the government’s assertion that Curcio was ‘put on notice’ of the allegations  
24 against him.  
25

1 The reality is that PSA was not interested in providing notice—they were interested in  
2 building a case against him while preventing him from acquiring the evidence needed to fight  
3 back.

4 **C. Tools: Agent Campbell's Affidavit Intentionally or Recklessly Misrepresented**  
5 **Common Items as "Tools" of Counterfeiting,**

6 Agent Campbell's affidavit intentionally or recklessly misrepresented ordinary, readily  
7 available household items as specialized tools essential to an alleged sophisticated  
8 counterfeiting scheme. In fact, these items likely appeared in the affidavit only because PSA,  
9 the biased corporate entity with known retaliatory motives, identified them on Mr. Curcio's  
10 public Mercari account as sounding "suspicious" to Agent Campbell.

11 SA Campbell simply parroted PSA's claim these commonplace tools appeared  
12 "suspicious" when possessed by Mr. Curcio. However, SA Campbell knew Mr. Curcio was  
13 an author with legitimate professional uses for printers, labels, and office supplies. SA  
14 Campbell was also aware through conversations explicitly shared from card buyers, that Mr.  
15 Curcio maintained an extensive LEGO city, providing obvious and lawful reasons for  
16 possessing engraving tools, and other common household items listed.

17 The affidavit further misled the magistrate by falsely implying Mr. Curcio's purchase  
18 of handheld inkjet printers and thermal barcode labels was indicative of intent to counterfeit  
19 PSA labels. This implication is baseless. PSA itself extensively documents the advanced  
20 security features embedded in its labels, including proprietary holographic imaging, micro-  
21 text printing, and security inks—all incapable of being replicated by standard consumer-grade  
22 inkjet or barcode printing equipment.

23 Agent Campbell possesses substantial experience investigating counterfeit card-related  
24 crimes and was therefore fully aware of PSA's complex labelling technology. Despite this  
25

1 knowledge, he omitted these critical exculpatory facts from the affidavit, deliberately  
2 suggesting without basis that ordinary office equipment could produce counterfeit PSA labels.

3 Agent Campbell also misled the magistrate by including a "lock-cutting kit" among  
4 tools allegedly needed to counterfeit PSA card cases. Yet PSA confirmed their card cases are  
5 permanently sealed using advanced ultrasonic welding, containing no physical locks or  
6 mechanical components susceptible to cutting. Thus, a lock-cutting kit bears no logical or  
7 factual relevance to any allegation of PSA holder tampering or counterfeiting.

8 Agent Campbell asserted in his affidavit that Mr. Curcio's purchase of "various card  
9 grading cases" was indicative of intent to counterfeit PSA-certified card holders and labels.  
10 However, he deliberately omitted that these grading cases were generic, commercially  
11 available products without PSA's proprietary branding or security features. Indeed, authentic  
12 PSA cases feature a distinctive raised logo molded directly into the plastic, a feature entirely  
13 absent from generic cases. Collectors routinely purchase such generic cases for the legitimate  
14 purposes of safely storing, protecting, and displaying their card collections.

15 Agent Campbell's affidavit recklessly characterized Mr. Curcio's purchase of a  
16 magnifier loupe as evidence of criminal intent, despite knowing firsthand that this claim was  
17 both factually baseless and inherently deceptive. SA Campbell failed to disclose  
18 that Mr. Curcio only purchased the magnifier loupe upon the direct recommendation of Jeff  
19 Johnson ("Captain Ticket"), who at the time was actively cooperating with Campbell and the  
20 FBI. Johnson explicitly instructed Mr. Curcio that this was an essential tool "every good  
21 collector needed," directly contradicting Campbell's subsequent characterization of this same  
22 tool as suspicious. Campbell thus not only knowingly misrepresented the significance of the  
23 magnifier loupe but deliberately concealed from the magistrate that the tool was affirmatively  
24 suggested to Curcio by the FBI's own cooperating witness.

1 Had the magistrate been properly informed that the allegedly suspicious tool was  
2 recommended to Curcio by the FBI's own informant, and further that PSA itself doesn't use  
3 such a tool, it would have clearly undermined the affidavit's narrative of criminal intent.  
4 Campbell's intentional concealment of these critical, exculpatory fact gravely distorted the  
5 probable cause determination

6 Agent Campbell knew from direct communications with PSA that replicating PSA's  
7 proprietary, tamper-resistant card cases required specialized industrial equipment, such as  
8 ultrasonic welding machines, not consumer-grade items that he listed. He also knew that none  
9 of the "tools" listed would have the capacity to produce fraudulent card cases, nor had ever  
10 been alleged to have been used as such by Curcio. Yet, his affidavit misled the court about  
11 this material fact. That is reckless disregard for the truth.

### 12 13 **III. CONCLUSION**

14 The defense has met the threshold showing required for the Court to order a hearing  
15 under *Franks v. Delaware*. The affidavit submitted in support of the application for a search  
16 warrant for Mr. Curcio's residence included false information, and omitted material  
17 information. The magistrate was denied all of the relevant material information needed to  
18 determine if probable cause existed to support issuance of the warrant.

19  
20 *I certify that this memorandum contains 3561 words in compliance with local criminal rules.*

21 Dated this 24th day of March 2025.

22  
23 Respectfully submitted,

24 s/Jeffrey L. Kradel  
25 WSBA No. 26767

1455 NW Leary Way, Suite 400  
Seattle WA 98107  
206/397-3102 voice  
206/922-5547 facsimile  
[jeff@kradeldefense.com](mailto:jeff@kradeldefense.com)

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

AUSA Kingdar Prussein and AUSA David Felton.

U.S. Attorney's Office for Southern District of New York

/s Jeffrey Kradel



UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	No. 24-CR-312
	)	
v.	)	SUPPLEMENTAL DECLARATION IN
	)	SUPPORT OF MOTION FOR HEARING
ANTHONY CURCIO	)	PURSUANT TO <i>FRANKS V. DELAWARE</i>
	)	
Defendant.	)	[CLERK’S ACTION REQUIRED]

## I. DECLARATION OF COUNSEL

1. I am counsel for the defendant Anthony Curcio and make this declaration from personal knowledge obtained by review of the discovery provided to the defense by the U.S. Attorney's Office for the Southern District of New York;
2. In paragraph 9 of his sworn affidavit to obtain a federal search warrant for Anthony Curcio's residence, Special Agent (SA) Campbell wrote:  
"Target Subject-1 attended a card show as recently as April 2024, in New Jersey, where he was identified and removed from the show for having fraudulent cards."  
At the time Campbell made that claim, he had already authored an internal FBI memorandum documenting the actual outcome of that event. In that memo, Campbell wrote:

*“Officer Paone stated that Curcio offered to show him the cards, but that he (Paone) was not qualified to determine their authenticity.”*

*“Curcio agreed to leave the show to avoid further issues. No cards were seized.”*

The Edison Police Department's official report stated:


*“Curcio voluntarily left the event. At no point were the cards examined by law enforcement.”*

*“No probable cause was established to initiate an arrest or seizure.”*

SA Campbell was aware of the Edison Police Department report and had spoken directly with the Edison Police Officers prior to submitting the search warrant affidavit. SA Campbell knew that Mr. Curcio was not removed from a card show in New Jersey for having fraudulent cards at the time he submitted the search warrant affidavit.

3. In paragraph 8 of his sworn affidavit to obtain a federal search warrant for Anthony Curcio's residence, Special Agent (SA) Campbell stated that Mr. Curcio had ordered for delivery to his residence "various items needed to create forged card cases and labels." SA Campbell knew when he submitted the affidavit that none of the items described had the capacity to create forged cases and labels given the proprietary nature of PSA's cardholders and labels.

4. The foregoing is true and correct to the best of my knowledge.

  
Jeffrey L. Kradel